

limitations of claim 1. Although it is believed that the Group III claims, claims 13-14, could have been examined within the same application, they were canceled above without prejudice in an effort to move this application to allowance.

The specification and the claims were reviewed and amendments are submitted above. The amendments to the claims above are supported by the original specification and claims. The amendments to claim 1 are supported by page 7, lines 15-17, claim 6, and page 8, lines 15-20. New claims 22 and 25 are similar to claim 21 and are supported by page 8, line 16 of the specification. New claims 23 and 24 are supported at page 8, lines 8-10 of the specification. The amendments to the claims and the new claims add no new matter and it is respectfully requested that they be entered into the application.

The Office Action requested that the data on page 12 describing a copending application be updated. There is no update for that information.

The Office Action rejected claims 1, 2, 5-8 and 21 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states that the preamble is indefinite and confusing in that no structure of "an apparatus for packaging" is set forth in or limited by the body of the claim. This rejection is traversed; however, claim 1 has been amended to add a lidstock maneuvering system which describes additional structure of the apparatus. Claims 5 and 7 were rejected under 35 USC 112 for indefinite language. Amendments were made to claim 5 and 7 to put the carriers on the platens in claim 5 and to correct the antecedent basis in claim 7. No new matter was introduced; therefore, it is respectfully requested that the 35 USC 112 rejections be withdrawn.

The Office Action rejected claim 1 under 35 U.S.C. 102(b) as being anticipated by Abrams et al US Patent 5,488,815 ('815), because each of the plural carriers 64 carries a contact lens container 12. This rejection is traversed, because 815's carriers do not carry a single container each, the carriers each carry an interleaved pair of arrays of contact lens packages which consist of five contact lens containers each. See col. 9, lines 45-65 and Fig. 2 of '815. Therefore, this rejection is improper and should be withdrawn.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by either of DeWoskin 5,054,271 or DeWoskin et al 3,657,857, because the Office Action states that each reference includes plural carriers, with cavities, which each

hold a single container for transport through packaging apparatus, and that the recitation of a specific contents of the containers is given no patentable weight insofar as the structure of the apparatus is concerned.

This rejection is traversed and reconsideration of the claims as amended above is requested. DeWorskin discloses a carrier for items to be sealed within a package having one or more windows formed by a plastic film within a frame formed by a card which is folded in half and sealed. DeWorskin does not disclose a container having a recess and a sealing flange which is sealed by a lidstock which is placed over the recess and the sealing flange by a lidstock maneuvering system. In DeWorskin, the plastic film is used within a frame to form the recess. Therefore, the 102 rejection of Applicants' invention is improper.

Claims 1, 2, 5-8 and 21 are rejected under 35 U.S.C. 103(a) as being patentable over any of Martin et al 5,578,331 or Martin et al 5,649,410 or Edwards et al 5,528,878 or Edwards et al 5,6262,000 or Edwards et al 5,644,895, each in view of either of DeWoskin 5,054,271 or DeWoskin et al 3,657,857. The Office Action states:

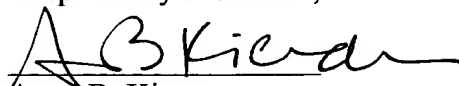
"The primary references substantially teach the claimed invention, but lack specific teaching of the carriers each holding a single contact lens container instead of plural contact lens containers. Each of DeWoskin and DeWoskin et al teach the conventionality of providing carriers which each hold a single container in analogous packaging systems in order to transfer and perform operation on individually transported and held containers. In view of such teachings it would have been obvious to one skilled in the art to provide such individual container holding carriers in the systems of the primary references in order to transfer and perform operations on individually transported and held containers. Note that any limitations viewed as not shown by the combined teachings are considered a mere matter of design to one skilled in the art."

Applicants traverse this rejection. None of the cited references, nor the combination of the cited references teaches or suggests providing a carrier which carries one container having a contact lens within. The Martin and Edwards references teach methods of packaging contact lenses which use pallets carrying multiple contact lenses. The Martin and Edwards references do not teach or suggest

the benefits of using multiple carriers each holding a container within the packaging apparatus. The De Worskin references do teach a single carrier for a package and an item, but there are no teachings or suggestions in the prior art to combine the named references. The benefits that are provided by a single carrier carrying a single contact lens container in an apparatus for packaging contact lenses are not those that are taught or even suggested by the De Worskin references. Contact lens packages must be properly sealed to maintain the contact lens in a sterile environment while shipping and storing. Contact lenses are oftentimes inspected prior to sealing them, and an individual carrier and contact lens container can be easily removed from the apparatus and replaced with another prior to sealing if it fails inspection. In the prior art sealing apparatus which carried multiple containers on a single carrier (pallet), the set of sealed packages had to be tracked for eventual discard after sealing if one contact lens did not pass inspection, or the containers would have to be handled individually to consolidate them prior to sealing after removal of the failed contact lenses (in containers). Further, Applicants individual carriers provide for even pressure during sealing of multiple containers simultaneously, particularly when forming a set of packages connected by the lidstock. De Worskin does not seal several packages simultaneously, and De Worskin does not provide a packaging suitable for storing contact lenses. Therefore, there is no reason in the prior art to take the teaching from Martin and Edwards and use an individual carriers as disclosed in De Worskin. There is no teaching or suggestion in the references that using a single carrier/single container for contact lens packaging would provide the benefits discussed above. The combination of these references without any teaching or suggestion in the prior art to do so amounts to a hindsight reconstruction of the prior art which is not proper under 35 U.S.C. 103. Therefore, it is respectfully requested that the 35 U.S.C. 103 rejection based on the cited references is improper and should be withdrawn.

For the reasons above, it is believed that claims 1, 2, 5-12, 15-25 are in condition for allowance. Allowance of the claims is therefore respectfully requested.

Respectfully submitted,


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